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The Silvio J. Mollo Building
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New York, New York 10007

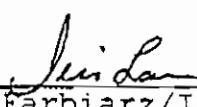
May 8, 2008

RECEIVED
MAY 08 2008HAROLD BAER
U.S. DISTRICT JUDGE
S.D.N.Y.BY FAXHonorable Harold Baer, Jr.
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007Re: United States v. Derevianko
SI 07 Cr. 815 (HB)

Dear Judge Baer:


With regard to the above-captioned case, the Government respectfully moves to dismiss the underlying indictment in this case and any open counts (e.g., Count Two).

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
Michael Farbiarz/Iris Lan
Assistant United States Attorneys
(212) 637-1587/2263

cc:

Attorney for Derevianko by fax

SO ORDERED:

Harold Baer, Jr., U.S.D.J.
Date: 5/12/08

Endorsement:

The underlying indictment in this case will be dismissed without objection and any open counts as well.